

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AARON GEORGE STONE,

Plaintiff,  
 -v-

GLEN S. GOORD, et al.,

USDC SUNY
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DATE FILED: NOV 14 2007

No. 07 Civ. 2826 (LTS)(THK)

Defendants.

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LAURA TAYLOR SWAIN, United States District Judge

**ORDER ADOPTING REPORT & RECOMMENDATION**

The Court has reviewed Magistrate Judge Katz's October 15, 2007, Report and Recommendation (the "Report") which recommends that Defendant's motion to dismiss Plaintiff's Complaint pursuant to Rules 37(b)(2)(c) and 41(b) of the Federal Rules of Civil Procedure be granted with prejudice. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record. "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at \*1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Katz's thorough Report and

Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Defendant's motion to dismiss the Complaint is granted in its entirety.

Additionally, for substantially the reasons stated in the Report, any appeal of this Order would not be taken in good faith, and accordingly, Plaintiff's application to proceed on appeal *in forma pauperis* is denied. See Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: New York, New York  
November 13, 2007



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LAURA TAYLOR SWAIN  
United States District Judge